

Docket No. 1140-2  
09/375,605

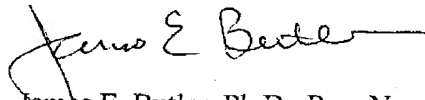
Patent

### REMARKS

The non-compliant amendment that is the subject of the instant notice was filed as part of a Request for Continued Examination. Since the amendment was a bona fide attempt to reply and this response is being filed within one month of the mailing of the Notice of Non-Compliance, Applicant believes this response to be timely filed. In accordance with the Notice of Non-Compliant Amendment, only the corrected Amendments to the Claims section is being re-submitted. Applicant believes the corrected Amendments to the Claims section fully complies with 37 C.F.R. 1.121.

Applicant believes that no fee is due in conjunction with this response. If any fee is due, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment that may occur during the pendency of this application to Deposit Account No. 50-0661.

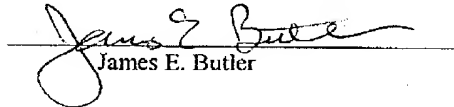
Respectfully submitted,



James E. Butler, Ph.D., Reg. No. 40,931  
DIVERSA CORPORATION  
Intellectual Property Department  
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San Diego, CA 92191-0550  
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### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the above RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT in the application of Jay M Short, Serial No. 09/375,605, filed August 17, 1999, is being submitted to the Commissioner for Patents by facsimile transmission to telephone number (703) 872-9306 on this 8th day of March, 2004.

  
James E. Butler